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HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. NO. 312 OF 2001

PETITIONER Dr. Manik lal Sharma, r/o. Shri Ram Lal Sharma, aged about 65 years, R/o. Sargaon, Tah. Mungeli, Distt. Bilaspur (CG)

Vs.

RESPONDENTS

1. State of Chhattisgarh through the Secretary, Home Department, Raipur
2. Director General of Police, Government of Chhattisgarh, Raipur
3. Superintendent of Police, Bilaspur (CG)
4. Station House Officer, Police Sttion Hirri, Distt. Bilaspur (CG)
5. Director General of Police, CID Branch, police head quarters, Raipur
6. State of Madhya Pradesh through the Secretary, Home Department, Vallabh Bhawan, Bhopal (MP)
7. Director General of Police, Government of Madhya Pradesh, Bhopal
8. Director General of Police, CID Branch, Police Headquarters, Bhopal

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTUION OF INDIA

(SB: Hon'ble Mr. **Satish K. Agnihotri, J.)**

Smt. Renu Kochar, counsel for the petitioner.
Shri Arvind Dubey, Panel Lawyer for the State.

O R D E R

(Passed on this 14th day of November 2007)

1. Learned counsel appearing for the petitioner seeks a writ in the nature of mandamus directing the respondents to hold CBI enquiry on the suspicious death of Pramod Kumar Pandey and Dukharan Verma.

2. Deceased Pramod Kumar Pandey is son of the petitioner and deceased Dukharan Verma is allegedly friend of the petitioner. The matter was taken to the Judicial Magistrate First Class, Bilaspur

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wherein the police station Hirri filed an application for closing the matter. The Judicial Magistrate First Class, Bilaspur by order dated 22.08.2000 (Annexure P/5) rejected the application of the police station Hirri and directed for re-investigation of the case.

3. Learned counsel appearing for the petitioner further submits that on re-investigation, the police authorities have found that the death of deceased Pramod Kumar Pandey and Dukharan Verma was caused on account of accident.

4. Be that as it may, without expressing any opinion on merit of the case, since the re-investigation was done on the order dated 22.08.2000 passed by the Judicial Magistrate First Class, the petitioner ought to have made an application/complaint that despite the order, proper investigation has not been done,before the same Court passing the order.

5. In view of the foregoing, this Court is not inclined to interfere with the criminal investigation at this stage.

6. However, the petitioner is at liberty to take recourse of statutory remedy that may be available to him under the provisions of law.

7. Thus, this application is dismissed with the aforesaid liberty.

Sd/-
Satish K. Agnihotri
Judge

Suguna